

E.) REMARKS/ARGUMENTS

This Response is filed in response to an Office Action dated November 15, 2004. Applicants thank the Examiner for withdrawing her rejections under 35 U.S.C. § 112, and 35 U.S.C. § 102(a) over Bate et al.

Upon entry of this response, claims 17-19 and 21-37 are currently pending in the Application.

In the outstanding Office Action, the Examiner requires an election between what Examiner characterizes as four different inventions.

Election/Restriction

The Examiner is requiring restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 8-12 and 20, drawn to a method of using a magnetic field to orient particles in a fluid medium, classified in class 427, subclass 130.

II. Claim 13, drawn to a method of applying a force to flow a fluid medium to orient particles in the medium, classified in class 427, subclass 369.

III. Claim 16, drawn to a method of using the force of gravity to orient particles in a fluid medium, classified in class 427, subclass 372.2.

IV. Claims 17-19, drawn to a method of using surface tension to orient particles in a fluid medium, classified in class 427, subclass 402.

Attorney Docket No. 13DV-13124-2 (07783-0149-2)
Application No. 10/663,320

In accordance with the requirements of 37 C.F.R. § 1.143, Applicants hereby elect, with traverse and without prejudice, Group IV, claims 17-19 directed to a method of using surface tension to orient particles in a fluid medium, classified in class 427, subclass 402. To expedite the examination of this Application, applicants have cancelled claims 8-12, 13, 16, and 20 of the Application in this Amendment rendering the restriction requirement moot.

Amendment to the Claims

Applicants have amended claims 17 and 18. Applicants submit that no new matter has been added to claims 17 and 18 as a result of these amendments.

Applicant have added new claims 21-37. Applicant submits that no new matter has been added as a result of the addition of claims 21-37.

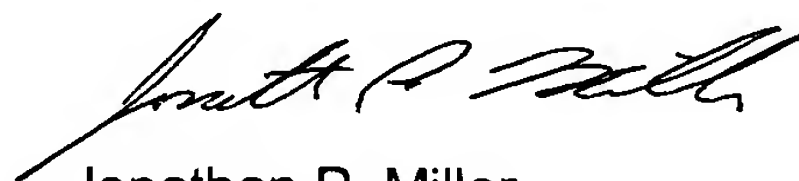
CONCLUSION

In view of the above, Applicants respectfully request reconsideration of the Application and withdrawal of the outstanding restriction requirement. Applicants respectfully submit that claims 17-19 and 21-37 are in condition for allowance. Applicants submit that no new matter has been added by the amendments to the claims. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicants.

Attorney Docket No. 13DV-13124-2 (07783-0149-2)
Application No. 10/663,320

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
MCNEES WALLACE & NURICK LLC



Dated: December 15, 2004

Jonathan P. Miller
Reg. No. 48,483
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Attorney for Applicants
Tel: (717) 237-5358
Fax: (717) 237-5300

Attorney Docket No. 13DV-13124-2 (07783-0149-2)
Application No. 10/663,320

D.) AMENDMENTS TO THE DRAWINGS

None.